vested property right, if it is based on a mere technicality, it may be divested by retrospective legislation. *Utter* v. *Franklin*, 172 U. S. 416; *Danforth* v. *Groton Water Co.*, 178 Mass. 472, 59 N. E. 1033. See *Foster* v. *Essex Bank*, 16 Mass. 245, 273. In the principal case, the plaintiff's only basis for recovery was a mere oversight of the legislature, and hence his right to recovery might constitutionally be taken away. The fact that the plaintiff had brought an action before the curative act was passed does not add to his rights. *State* v. *Norwood*, 12 Md. 195; *Ferry* v. *Campbell*, 110 Ia. 290, 81 N. W. 604. A similar result has been reached in a case involving the unauthorized collection of customs duties. *United States* v. *Heinszen & Co.*, 206 U. S. 370.

DISCOVERY — INTERROGATORIES — USE IN ACTION FOR LIBEL — DISCLOSURE BY NEWSPAPER OF SOURCE OF INFORMATION. — The plaintiff brought an action for libel against the defendant newspaper. The defendant pleaded fair comment. The plaintiff sought to interrogate the defendant as to the source of the alleged libel, stipulating that this information would not be made the basis of an action against the defendant's informant. The defendant refused to answer the interrogatories. *Held*, that he need not do so. *Lyle-Samuels* v. *Odhams, Ltd.*, [1920] 1 K. B. 135.

The English practice allows the propounding of interrogatories in all civil actions. RULES OF THE SUPREME COURT, Order XXXI, Rule 1. Such interrogatories must be relevant to the issues in the case, and must not be oppressive. Order XXXI, Rules 6 and 7. In the principal case, the interrogatories seem to have been relevant, as the character of the defendant's source of information might clearly have been evidence on the issue of malice. Such interrogatories have frequently been allowed. *Elliott* v. *Garrett*, [1902] 1 K. B. 870; *White & Co.* v. *Credit Reform Assn.*, [1905] 1 K. B. 653. An exception has been made, however, in cases where the defendant was a newspaper. *Hennessy* v. *Wright*, 24 Q. B. D. 445 n.; *Plymouth Mutual Coöperative Society* v. *Traders' Publishing Assn.*, [1906] 1 K. B. 403. The principal case is an example of this exception. The exception seems an anomalous one. A newspaper as such has no special privilege as to the publication of defamatory matter. *Barnes* v. *Campbell*, 59 N. H. 128. See *Arnold* v. *The King-Emperor*, L. R. 41 Ind. App. 149, 169. There seems to be no good reason why such privilege should be given as to the answering of interrogatories concerning such defamatory matter. Another reason advanced to support the privilege is that disclosure of the source of the libel would enable the plaintiff to sue the informant. See *Hennessy* v. *Wright*, 24 Q. B. D. 445 n., 448 n. But the fact that the disclosure sought may reveal a right of action against a third person is not a fatal objection to allowing such disclosure. *Heathcoate* v. *Fleet*, 2 Vern. 442; *Hurricane Telephone Co.* v. *Mohler*, 51 W. Va. 1, 41 S. E. 421.

EVIDENCE — *RES GESTAE* — VIOLATION OF RULES OF RAILWAY COMPANY AS EVIDENCE OF NEGLIGENCE. — In an action for the death of the plaintiff's intestate, plaintiff claimed that the servants of the defendant railroad were negligent in not maintaining a lookout on the tender of a backing engine by which, it was alleged, the intestate was killed. Rules of the corporation requiring such a lookout were admitted in evidence. *Held*, that the admission was error. *Louisville & N. R. Co.* v. *Stidham's Adm'x*, 218 S. W. 460 (Ky.).

A slight majority of the authorities has sustained the admission of such precautionary rules as evidence of a standard of care admitted or assumed by the corporation. *Lake Shore & M. S. R. Co.* v. *Ward*, 135 Ill. 511, 26 N. E. 520; *Sullivan* v. *Richmond Light & R. Co.*, 128 App. Div. 175, 112 N. Y. Supp. 648. But no cases have been found holding a refusal to admit them error. And an important minority objects that the standard of care is fixed by law and may be neither enlarged nor decreased by the corporation. *Fonda* v. *St. Paul City*

Ry. Co., 71 Minn. 438, 74 N. W. 166; *Virginia Ry. & Power Co.* v. *Godsey*, 117 Va. 167, 83 S. E. 1072. Moreover such penalizing of extra precautionary regulations might discourage their adoption. See *Hoffman* v. *Cedar Rapids & M. C. Ry. Co.*, 157 Ia. 655, 674, 139 N. W. 165, 172. These rules may, however, be of probative value as a crystallization of operative experience. See *Birmingham Ry. L. & P. Co.* v. *Morris*, 163 Ala. 190, 50 So. 198; *Deister* v. *Atchison, T. & S. F. Ry. Co.*, 99 Kan. 525, 539, 162 Pac. 282, 288; 1 WIGMORE, EVIDENCE, § 461. Their admission as such might well lie within the discretion of the trial court. A few cases treat them as circumstances of the defendant's servant's action. *Cincinnati St. Ry. Co.* v. *Altemeier, Admr.*, 60 Ohio 10, 53 N. E. 300; *St. Louis, S. F. & T. Ry. Co.* v. *Andrews*, 44 Tex. Civ. App. 426, 99 S. W. 871. This seems sound. As a warning of potential danger and a suggested means of avoiding it, they color the servant's act and are relevant on the question of his negligence. It is otherwise with rules adopted merely to facilitate systematic business operation. *Chabott* v. *Grand Trunk Ry. Co.*, 77 N. H. 133, 88 Atl. 995; *Bush* v. *Union Pac. Ry. Co.*, 62 Kan. 709, 713, 64 Pac. 624, 625. The rules in the principal case are clearly precautionary and should have been admitted.

HUSBAND AND WIFE — RIGHTS AND LIABILITIES OF WIFE AS TO THIRD PARTIES — ALIENATION OF AFFECTIONS — ANNULMENT OF MARRIAGE NO DEFENSE. — Plaintiff brought this action against her husband's parents for alienation of affections. While the action was pending, the parents had their son's marriage annulled because he was under the age of consent, as they had a right to do by statute. The trial court directed a verdict for defendants on the ground that the annulment was a bar to this action. *Held*, that a new trial be granted. *Wolf* v. *Wolf*, 181 N. Y. Supp. 368.

The right of a wife to sue for alienation of her husband's affections, though denied at common law, has been almost universally recognized since the married women's acts. *Foot* v. *Card*, 58 Conn. 1, 18 Atl. 1027; *Nolin* v. *Pearson*, 191 Mass. 283, 77 N. E. 890. The parents of the alienated spouse may be liable in such an action as well as a stranger, though in a suit against parents malice must be shown. *Hutcheson* v. *Peck*, 5 Johns. 196; *Lannigan* v. *Lannigan*, 222 Mass. 198, 110 N. E. 285. The marriage of persons under the age of consent is not void, but voidable merely by judicial decree. *State* v. *Lowell*, 78 Minn. 166, 80 N. W. 877; *People* v. *Ham*, 206 Ill. App. 543. The effect of a decree of annulment at common law was to make the marriage void from the outset, but in order to protect children born of voidable unions some jurisdictions save their legitimacy by statute. MASS. REV. LAWS (1902), c. 151, § 13; IND. STATS. (1901) Art. 7, § 1037. Others make the marriage void only from the date of the decree. *Harrison* v. *State*, 22 Md. 468. See 1909 N. Y. CONSOL. LAWS, c. 14, § 7. Until that moment each party has a right to the conjugal society of the other. See *Price* v. *Price*, 124 N. Y. 589, 599, 27 N. E. 383, 385. It follows that under the New York type of statute a subsequent dissolution of the marriage relationship will not prevent the injured spouse from recovering damages for the violation of her legal rights occurring between the marriage and the annulment. *Luke* v. *Hill*, 137 Ga. 159, 73 S. E. 345.

HUSBAND AND WIFE — WIFE'S SEPARATE ESTATE — EXECUTION AGAINST HUSBAND'S INTEREST IN ESTATE BY ENTIRETY. — Husband and wife held land as tenants by entirety. Judgment creditors of the husband brought a bill in equity praying that the court apply, to the satisfaction of their judgment, the rents and profits of the land so held. The defendant demurred. *Held*, that the demurrer be sustained. *Ohio Butterine Co.* v. *Hargrave*, 84 So. 376 (Fla.).